

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

MIGUEL RIVERA SANTIAGO

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CIVIL NO. 97-1557 (RLA)

Crim. No. 91-397 (RLA)

MINUTES OF PRE-HEARING CONFERENCE

HELD ON MARCH 3, 2005

AND RESCHEDULING EVIDENTIARY HEARING

At the Pre-Hearing Conference held on March 3, 2005, from 2:00 p.m. to 3:10 p.m. petitioner was represented by RAFAEL ANGLADA LOPEZ, ESQ. The United States of AMERICA was represented by AUSA EDWIN O. VAZQUEZ.

The Court again discussed with counsel the scope of the remand from the First Circuit Court of Appeals in this action. See Miguel Rivera-Santiago v. United States, No. 02-2458, slip op. (1st Cir. June 25, 2004) (*per curiam*). The government argued that the extent of what this district court can and must do is limited by its Certificate of Appealability and by the Circuit Court's ruling, which directs us to focus solely on two issues: (1) was petitioner informed of a purported plea agreement offer by the government; and (2) was petitioner impeded from testifying on his own behalf despite his insistence on doing so. See also, United States' Submission Outlining Preserved Issues...(docket No. 75). In view of the above, the government argues, defendant's plan to introduce other legal arguments for the court's consideration, such as those generated by the Booker and Blakely Supreme Court decisions must be rejected.

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The Court agreed. Accordingly, points (3) and (4) of petitioner's Preliminary Statement of Issues, as set forth in the Informative Motion... (docket No. 76) will not be considered as part of the issues to be heard at the evidentiary hearing.

The Court also discussed the request for a postponement of the evidentiary hearing presented by petitioner's attorney. Counsel is representing one of the codefendants in a complex multi-defendant trial that is due to commence before Hon. Judge Daniel Dominguez shortly. Since that case is expected to last until late April, counsel requested a resetting of the evidentiary hearing. The Government did not oppose.

Accordingly, the EVIDENTIARY HEARING previously scheduled for March 9, 2005 is hereby rescheduled for **May 5, 2005, at 9:30 a.m.**

Petitioner's motion setting forth a Revised List of Issues to be examined by the Court at the evidentiary hearing shall be filed **on or before March 9, 2005.** The UNITED STATES' response shall be filed **on or before March 14, 2005.**

Petitioner shall provide to the U.S. Government copies of the documentary evidence he intends to use at the hearing **on or before March 11, 2005.**

TRIAL BRIEFS shall be filed **on or before April 28, 2005.**

IT IS SO ORDERED.

San Juan, Puerto Rico, this 8th day of March, 2005.

S/Raymond L. Acosta
RAYMOND L. ACOSTA
United States District Judge